



# U.S. DEPARTMENT of STATE

## Thailand

### Country Reports on Human Rights Practices - [2003](#)

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Thailand is a democratically governed constitutional monarchy. Since 1992, there have been five national multiparty elections, which transferred power to successive governments through peaceful, democratic processes. The King exerts strong informal influence but never has used his constitutionally mandated power to veto legislation or to dissolve the elected bicameral Parliament. In 2001, a coalition Government, led by Prime Minister Thaksin Shinawatra's Thai Rak Thai Party, was formed following the January general elections. The election process was viewed as generally free and fair; however, it was marred by widespread vote buying, and the killing of some political canvassers during the campaign. The judiciary was independent, but was subject to corruption.

The civilian authorities maintained effective control of the security forces. The national police were under the direct authority of the Police Commissioner, who reports to the Prime Minister. The military forces were under the jurisdiction of the Ministry of Defense. With the exception of specific, limited military authority along the country's borders, the police have responsibility for internal security. Elements of both the armed forces and the police had a reputation for corruption. Some members of the security forces committed serious human rights abuses.

The economy was market-oriented with a strong tradition of private enterprise, although state enterprises played a significant role in some sectors. The country has a population of approximately 63 million. Gross domestic product (GDP) growth was estimated to be approximately 6 percent for the year. Annual per capita income was approximately \$2,005. According to the National Statistical Office, approximately 41 percent of all employed workers were employed in the agricultural sector, although agriculture only accounted for approximately 9 percent of the GDP. Although government regulation generally provided protection for individual economic interests, including property rights, there was a lack of transparency in bureaucratic decision-making and some areas of Government remained vulnerable to corruption.

The Government's human rights record worsened with regard to extrajudicial killings and arbitrary arrests. There was a significant increase in killings of criminal suspects. According to press reports, more than 2,000 alleged drug suspects were killed during confrontations with police during a 3-month "War on Drugs" from February to April, while the Government reported that out of a total of 2,598 homicide cases during this three-month period, there were 1,386 narcotics-related deaths. Police occasionally beat suspects to coerce confessions. The Government failed to investigate and prosecute vigorously those who committed such abuses, contributing to a climate of impunity. Although the Government emphasized anti-corruption policies, a culture of corruption persisted in many parts of the civilian bureaucracy and in some units of the security forces. Routine demands for bribes undermined the rule of law and permitted the continuation of various illegal activities including trafficking in persons, sexual exploitation, and prostitution. Conditions in prisons and some provincial immigration detention facilities remained poor. Prolonged pretrial detention, including of aliens, remained a problem. The judiciary suffered from frequent instances of corruption and at times security forces infringed on citizens' privacy rights. The media practiced some self-censorship. There were some restrictions on freedom of movement. The Government hindered the activity of some human rights groups. The 1997 Constitution increased legal protections for women and persons with disabilities; however, some inequities in the law remained, and some protections were not enforced. Violence and societal discrimination against women were problems. Societal discrimination against hill tribes and religious and ethnic minorities continued. There were reports of forced labor and child labor. Trafficking in women and children, coerced prostitution and labor were serious problems.

## RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom From:

#### a. Arbitrary or Unlawful Deprivation of Life

There were no confirmed reports of politically motivated killings by the Government or its agents; however, elements of the Royal Thai Police continued to use excessive, lethal force against criminal suspects and committed or were connected to numerous extrajudicial, arbitrary and unlawful killings. For example, according to the Interior Ministry, as of February 27, 993 persons had been killed during confrontations with police in the first 2 months of the year. However, NGOs alleged that these government figures underestimated the true number of persons killed while being apprehended by police.

On February 1, the Prime Minister initiated a 3-month "War on drugs" campaign intended to eliminate narcotics from the country. The Minister of Interior instructed local authorities to update "blacklists" of individuals suspected of being involved in illegal drug trafficking, sale, or use and the Prime Minister told the governors and provincial police that those who failed to eliminate a prescribed percentage of the names from their "blacklists," would be fired. The Government threatened retaliation against local officials who did not produce results. There were reports that local officials used the blacklists as a means to settle political differences. According to official figures, there were 1,386 narcotics-related deaths between February 1 and April 30. No arrests were made in 1,195 of these cases, which led many observers to believe police were responsible for most of these deaths. According to press reports, more than 2,200 alleged drug criminals were killed during the year, while more than 90,000 suspects were arrested.

Human rights activists accused the Government of unleashing a "shoot to kill" policy and condoning the killings of suspected drug dealers. The Government in turn claimed that many of the killings resulted from dealers fighting each other. Many of those killed were civilians. For example, in February, police shot and killed a 9-year-old boy in the back seat of a car driven by his mother following the arrest of his father on drug trafficking charges. The three police involved in the shooting were arrested for intentional murder; however, the court ruled that the killing was accidental and justified. In response to criticism from national and international NGOs and other foreign governments, the Government created several official committees to investigate the killings; by year's end, security force involvement had been acknowledged in 55 deaths during the February to April period. Of these, 39 were forwarded to prosecutors for submission to the courts, and the other 16 remained under investigation. The U.N. High Commissioner for Human Rights (UNHCR) requested that a special envoy visit the country; however, the Government refused the visit.

In August, several separatists were reportedly killed by police in the country's southern provinces. In the past, when the Government investigated extrajudicial killings, it prosecuted few of the accused police or military officers. Senior prosecutors and NGO legal associations claimed that most cases against police or military officers accused of extrajudicial killings eventually were dismissed because regulations outlined in the Criminal Code requires public prosecutors to rely exclusively upon the recommendations of the police when determining whether to bring a case for criminal prosecution. The resulting routine exoneration of police officers contributed to a climate of impunity that persisted in preventing any major change in police behavior. It also discouraged relatives of victims from pressing for prosecution. Procedures for investigating suspicious deaths, including deaths occurring in police custody, required among other things, that the prosecutor, a forensic pathologist, and a local administrator participate in the investigation and that family members have legal representation at the inquests. However, these procedures often were not followed. Families rarely took advantage of a provision in the law that allows them to bring personal lawsuits against police officers for criminal action during arrest. There was no information available to determine how many cases were settled out of court. However, in cases in which suits were filed, the official charged often compensated the family of the deceased, and the lawsuit was waived. Compensation varied widely, from as low as \$3,490 (150,000 baht) to \$69,770 (3 million baht).

There were no developments in the 2002 killings in Chiang Rai, where police officers killed several civilians who were suspected of drug trafficking.

According to the Ministry of Interior's Investigation and Legal Affairs Bureau, during the first 6 months of the year, 1,197 persons died in police custody (see Section 1.c.). Most of these deaths were attributed by the authorities to natural illness. During the year, detainees at the Muang Suratthani Police Station died in custody. The National Human Rights Commission investigated these cases and concluded that the detainees died as a result of injuries sustained when police beat them. However, according to the Law Society of Thailand, no action was taken against police officers in these cases. Instead, the victim's cellmates were pending trial for the murder at year's end. In January, an official from Muang Kanchanaburi Police Station was suspended from duty pending investigation for beating a detainee to death. At year's end, an investigation into the case continued.

Investigations of 25 killings of political canvassers during the election campaigns leading up to the 2001 general election and the 2000 Senate elections remained open and unresolved at year's end.

In 2002, at least 36 persons were killed by landmines in border areas. During the year, a civilian demining unit continued to survey and remove landmines from border areas.

#### Disappearance

There were no reports of politically motivated disappearances.

The Government made little progress in its investigation of the 1991 disappearance of Labor Congress of Thailand President Thanong Po-an, and his whereabouts remained unknown at year's end.

There were no developments in the disappearances of numerous persons following the February 2000 border clashes or in the disappearances of 38 missing protesters in May 2000.

#### Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution and the Criminal Code prohibit such practices; however, NGOs and legal organizations continued to report that

some members of the police occasionally beat suspects to coerce confessions. During the year, there were newspaper reports of numerous cases in which citizens accused police of brutality, threatening false charges, and extorting bribes. Investigations were undertaken in most of the cases, including several in which the accused police officers were suspended pending the result of the internal investigation.

On May 14, local officials allegedly beat and killed six Burmese laborers in Mae Sot. Following a police investigation, six local officials were arrested. They were released on bail during court proceedings. Their trial was ongoing at year's end (see Section 6.c.).

In September 2002, a female detainee at a Bangkok police station accused a police officer of raping her in custody. The officer was suspended from duty and detained without bail; the incident was investigated and forwarded to the public prosecutor where it remained under review. Reportedly, the victim and offender were negotiating an out-of-court settlement. In August 2002, the May 2001 case that accused a police officer of rape was decided. The Provincial Court sentenced the offender to 12 years imprisonment. The offender subsequently filed an appeal, but remained in prison at year's end.

There were no developments in the trial of three soldiers responsible for the 2002 alleged rape of two female refugees from Burma.

Corruption remained widespread among police officers. Police officials complained that low pay for members of the police force made them susceptible to bribes.

There were no reports of action taken against persons responsible for a train bombing committed in July 2002. At year's end, a court trial continued for the 36-year old Karen man accused in the June 2002 bus attack in Ratchaburi Province.

Prison conditions were poor and severely overcrowded but in general did not pose a serious threat to the life or health of inmates. The total prison population of approximately 212,620 inmates was housed in 182 prisons and detention centers, with a total design capacity of 100,000 prisoners. Sleeping accommodations and access to medical care remained areas of concern. Medical care in prisons was inadequate. The Corrections Department employed 7 full-time doctors and 7 full-time dentists. There were 6 part-time doctors and 107 full-time nurses supplemented the permanent medical staff. Prison authorities sometimes used solitary confinement to punish difficult prisoners. They also used heavy leg irons as a means of controlling and punishing prisoners. Unlike in previous years, there were no reports that prisoners captured in escape attempts were beaten severely.

Male and female prisoners in official detention centers and prisons were segregated. Juveniles were held separately in 34 of the 76 provinces, but they were tried in the same courts as adults (see Section 5). Men, women, and children often were held together in police station holding cells pending indictment.

Conditions in Bangkok's Suan Phlu Immigration Detention Center (IDC) improved during the year; however, conditions in nine provincial detention centers remained poor. Immigration detention facilities were administered by the Immigration Police Bureau, reporting to the Prime Minister's Office, and were not subject to many of the regulations that governed the regular prison system. There were credible reports of physical abuse of detainees by guards in some detention centers. Overcrowding remained a serious problem.

Access to prisons was not restricted, and the Government permitted visits by independent human rights observers and the International Committee of the Red Cross (ICRC).

#### Arbitrary Arrest, Detention, or Exile

The Constitution prohibits arbitrary arrest and detention; however, government forces occasionally arrested and detained persons arbitrarily. Under the Constitution, persons must be informed of likely charges against them immediately after arrest and must be allowed to inform someone of their arrest. Detainees have a right to have a lawyer present during questioning, and the police generally respected this right in practice. Foreign prisoners sometimes were pressured to sign confessions without the benefit of a competent translator.

Corruption was a serious problem. Although the Government emphasized anti-corruption policies during the year, a culture of corruption persisted in many parts of the civilian bureaucracy and in some units of the security forces. There were reports that police tortured, beat, and otherwise abused detainees and prisoners, generally with impunity. However, the Government prosecuted a few offenders. During the year, the Royal Police reported an investigation of several hundred public complaints of various types leading in a significant number of cases to disciplinary action ranging from reprimands to dismissal but few resulted in arrests.

Some police officers were involved in prostitution and trafficking in women and children (see Sections 5 and 6.f.). In July, more than 50 police officers from Bangkok Metropolitan police station were removed from active duty after allegations surfaced that police were accepting bribes and free prostitution services.

During the year, the Government enacted anti-terrorist legislation. Punishments for terrorist crimes ranged from fines to the death penalty; however, the Supreme Court's decision on whether the legislation was constitutional was pending at year's end.

Police are required to submit criminal cases to prosecutors for the filing of court charges within 48 hours of arrest; however, the law also allows an extension period of up to 3 days. Police also may seek court permission to hold suspects for additional periods (up to a maximum of 82 days for the most serious offenses) to conduct investigations. In addition, laws and regulations place any offense for which the maximum penalty is less than 3 years under the jurisdiction of the district courts, which have different procedures. In these cases, police are required to submit cases to public prosecutors within 72 hours of arrest. Lawyers reported that the police rarely brought their cases to court within the 48-hour period. There is a functioning bail system. On June 27, police raided a garment factory in Bangkok and detained 11 Burmese activists. The Burmese activists remained in a detention center on charges of immigration violation. By year's end, these activists received UNHCR persons of concern status and have been submitted to third countries for possible refugee resettlement (see Section 2.d.). As in previous years, several Burmese activists were arrested and generally held on immigration violation charges.

Approximately 12 percent of the total prison population were pretrial detainees. Pretrial detainees usually were not segregated from the general prison population. Pretrial detention of criminal suspects for up to 60 days was common. Some foreigners from countries without diplomatic representatives in the country faced trial delays of many months (see Section 1.c.).

Some corrupt police and soldiers were involved in prostitution and trafficking in women and children (see Sections 5 and 6.f.).

The Constitution prohibits forced exile and the Government did not use forced exile.

#### Denial of Fair Public Trial

The Constitution provides for an independent judiciary; however, while the judiciary generally was regarded as independent, it was subject to corruption and influence.

The civilian judicial system has three levels of courts, as well as an independent Constitutional Court: Courts of first instance; courts of appeal; and the Supreme Court. A separate military court hears criminal and civil cases pertaining to military personnel as well as those brought during periods of martial law (last imposed in 1992). The Constitutional Court, charged with interpreting the Constitution, began operating in 1998. In August 2000, the courts became fully independent of the Ministry of Justice and responsible for their own administration and budget. Islamic (Shari'a) courts hear only civil cases concerning members of the Muslim minority. Access to courts or administrative bodies to seek redress is provided for and respected.

There is no trial by jury. A single judge decides trials for misdemeanors, and two or more judges are required for more serious cases. Trials often required years to complete because they ran sporadically, typically convening for a single day every few months. While most trials were public, the court may order a closed trial, particularly in cases involving national security, the Royal Family, children, or sexual abuse. Justices nominated to both the Constitutional Court and the Supreme Administrative Court must be confirmed by the Senate; judges at all other levels are career civil servants whose appointments are not subject to parliamentary review.

The Constitution provides for the presumption of innocence. Defendants tried in ordinary criminal courts enjoy a broad range of legal rights, including access to a lawyer of their choosing. A government program provided free legal advice to the poor, but indigent defendants were not provided with counsel at public expense automatically. The court was required to appoint an attorney in cases where the defendant was a minor and in cases where possible punishment was imprisonment. Most free legal aid came from private groups, including the Law Society of Thailand and the Thai Women Lawyers Association.

On September 25, the Civil Court ruled that the Royal Thai Police and homicide investigator pay a combined total of US \$450,000 (18 million baht) to two persons wrongfully convicted for the 1986 murder of a Thai-American woman. The Court found that the police and investigator had colluded to frame innocent persons.

There were no reports of political prisoners.

#### Arbitrary Interference with Privacy, Family, Home or Correspondence

With limited exceptions, the Constitution prohibits such actions, and the Government generally respected these prohibitions in practice. With a few exceptions, including crimes in progress, the Constitution requires police to obtain a warrant from a court prior to conducting a search. In 2002, the Criminal Procedure Code was amended to standardize procedures for issuing warrants.

NGOs concerned with the welfare of ethnic highlander tribes reported that police and military units carried out several warrantless searches of villages for narcotics in northern provinces during the year. Such operations are permitted under both the Constitution and the Narcotics Prevention and Suppression Act of 1976 in cases in which there is reasonable suspicion and an urgent search is deemed necessary. However, some academic groups claimed that the searches were arbitrary and violated the villagers' civil rights.

No known action was taken against those responsible for the July 2002 harassment of an activist working to promote citizenship for hill tribe people.

Security services monitored persons, including foreign visitors, who espoused extremist or highly controversial views.

## Section 2 Respect For Civil Liberties, Including:

### Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice; however, incidents of harassment and intimidation of journalists continued to occur. Unlike in the previous year, there were no reports that government authorities expelled foreign journalists. The Government may restrict freedom of speech and freedom of the press to preserve national security, to maintain public order, to preserve the rights of others, to protect public morals, to prohibit criticism of the royal family, or to prevent insults to Buddhism.

The Constitution makes it unlawful for the Government to censor, ban, license, or restrict print or broadcast media, except by specific legislation in times of crisis. While newspapers and periodicals practiced some self-censorship, especially with regard to the monarchy and issues involving national security, media criticism of political parties, public figures, and the Government was common and vigorous.

Journalists generally were free to comment on governmental activities without fear of official reprisal, although there were attempts by the Government to curb journalists or publications perceived to be critical of government officials or their families.

During the year, there was one reported case of violence against a member of the press. In February, Surapong Ritthi, a reporter for the national newspaper Thai Rath, was killed by an unidentified gunman, allegedly in retribution for his reporting on illicit activities at a nightclub. No known official action had been taken in the case by year's end. The trial of four noncommissioned army officers arrested in connection with the April 2000 nonfatal shooting of the Editor in Chief of the Chiang Mai daily newspaper was ongoing at year's end.

Unlike in previous years, there were no reports that government agents revoked the visas of foreign journalists or confiscated newspapers or magazines.

During the year, the Police Special Branch did not issue any official warnings to publications for violations of the 1941 Printing and Advertisement Act such as disturbing the peace, interfering with public safety, and offending public morals. However, the Police Special Branch sent approximately 10 "letters of cooperation," asking the media to be cautious when reporting sensitive political or social issues. Although these "letters of cooperation" had no legal enforcement capacity, they may have inspired self-censorship.

The Printing and Advertisement Act permits police closure of newspapers or printing presses in times of war or national emergency, but only with a court order. No such closures occurred during the year. The Juridical Council approved the revocation of the act, but final revocation awaits approval by the Council of State.

The law allows police to restrict or to confiscate printed publications and other materials deemed obscene; the interpretation generally was limited to hardcore pornographic material.

Domestic publications continued to present a wide range of political and social commentary. Unless critical of the Royal Family or the Monarchy, foreign and domestic books normally were not censored and circulated freely. Police had the authority to ban the importation of publications but generally did not exercise it.

Radio and television stations enjoy the same constitutional protections of freedom of expression and freedom of speech as the print media. The Government licenses all radio and television stations, and most are operated under the direct or indirect oversight of the Government or the armed forces. Radio and television station profits are retained by organizations that control frequencies, such as government ministries, universities, and the military services.

Ownership of media outlets by governmental and quasi-governmental entities undermined freedom of press provisions several times during the year. In March, the Independent News Network (INN) radio broadcast was temporarily canceled after the network aired the Deputy Prime Minister's criticisms of the administration. In response to public protests, the Government restored the broadcast and claimed that INN's failure to renew their broadcast license was the reason for the temporary closure.

For example, one cable television channel that was owned by the Nation Multimedia Group and operated exclusively on cable television network and was marginalized. Opposition parties were unable to gain access to state-owned television; however, some opposition party statements and positions were reported on the news programs of state-owned television, particularly when voiced by members of Parliament.

The 1997 Constitution contains reform provisions calling for fewer restrictions on broadcast media and the establishment of an independent National Broadcasting Commission (NBC) to oversee frequency management. The seven Commission members were expected to be selected from four broad categories: the Government, broadcasting, NGOs, and universities. However, the actual selection did not meet these goals, and a lawsuit was filed in the Administrative Court. In March, the Supreme Court ruled in favor of the plaintiff and ordered the rejection of all National Broadcast Commission (NBC)-proposed candidates. On appeal in March the Supreme Court nullified the NBC candidates. No other candidates had been chosen by year's end. The NBC was to be authorized to redistribute frequencies previously controlled by the Government to eligible organizations or individuals in the country. The media criticized the proposed implementation regulations, arguing that they contained broad censorship powers and allowed the Government to retain a large number of its frequencies.

Repeated delays in the implementation of broadcast media reforms contained in the 1997 Constitution resulted in attempts by some community radio broadcasters to establish their own small studios and transmitters. Because current broadcast regulations restrict radio frequencies to government entities, these independent community radio stations technically were illegal. At year's end, 140 independent community radio broadcast stations remained in operation. A state community radio policy was created during the year to resolve conflicts and frequency disputes. The community radio policy also allowed for the stations to continue "illegal" operations until the present laws and regulations were amended. Pending the establishment of the NBC, the Thai Broadcast Journalists and the Thai Media Association created the Thai Broadcast Federation. The Federation was not granted the authority to assign frequencies reserved for the National Broadcast Commission.

The military services retained 265 radio and television frequencies ostensibly for national security purposes, despite assurances by the civil authorities that the military services may use all broadcasting frequencies in the event of a national emergency without the need to own them.

Radio stations must renew their licenses every year, and their signals were broadcast via government transmitters. They are required by law to broadcast government-produced newscasts twice daily, 30 minutes each in the morning and evening.

There was one independent, noncable television station, Independent Television (ITV); its managing shareholder was Shin Corporation, which was owned by the Prime Minister's family. ITV's Programmers generally were free to determine the nature and content of broadcasts. Stations occasionally censored or "blacked out" portions of programming that they deemed politically sensitive or pornographic. Such self-censorship was more common at state-controlled stations.

A censorship board existed as part of the office of the Prime Minister; however, it rarely formally restricted television or radio broadcasts. It advised broadcasters either verbally or by letter of specific programs deemed inappropriate or offensive, and advised the programmer to be more careful in the future. In February, the international wire service, Agence France-Press, reported receiving a letter from the Government after publishing an article critical of the Prime Minister.

Under the 1930 Film Act, theater owners and broadcasters must submit films that they plan to show to the film censorship board for review. The board is composed of officials representing the Ministry of Education, the Ministry of University Affairs, the military, the Department of Religious Affairs, and the Ministry of Foreign Affairs. The board may ban films if its requirements that portions of the film be removed are not met. Reasons for censoring films include violating moral and cultural norms and disturbing the public order and national security. Theater owners and broadcasters frequently censor films themselves before submitting them to the board. According to the office of the Film Censorship Board, of the 230 films submitted for review in 2002, 1 was banned.

Activity on the Internet remained unregulated. There have been no reports of the Government censoring or blocking Internet websites that it deemed undesirable. As of the end of the year, according to the National Electronics and Computer Technology Center, an estimated 6 million persons used the Internet.

The Government did not restrict academic freedom.

#### Freedom of Peaceful Assembly and Association

The Constitution provides for the right of peaceful assembly, and the Government generally respected this right in practice. Permits are not required for private meetings or gatherings unless held on public property or organized by foreign nationals; these are granted routinely.

There were no reports that security forces forcibly disrupted demonstrations during the year. However, prior to the October APEC meetings in Bangkok, the Government threatened to withhold future government funding from NGOs and other groups that protested during the meetings. The Government denied entry visas to some members of Falun Gong as well as non-Thai individuals and organizations known for anti-globalization views. However, during the APEC meetings, a number of peaceful demonstrations took place in Bangkok at a distance from the meeting sites. Police forcibly dispersed several demonstrations during 2002. For example, in December 2002, dozens of protesters and police officers were injured during a protest in Hat Yai against building the Thai-Malaysia pipeline. The National Human Rights Commission opened an inquiry panel and released a report that found the Government had used excessive force to disperse the demonstrators. No further action reportedly was taken against members of the security forces who forcibly dispersed demonstrations in 2002 and 2001.

The Constitution provides for freedom of association, and the Government generally respected this right in practice. Private associations must register with the Government; such registration was approved routinely.

#### Freedom of Religion

The law provides for freedom of religion, and the Government generally respected this right in practice; however, it restricted the activities of some groups. The Constitution requires that the monarch be a Buddhist. The state religion is in effect Theravada Buddhism; however, it is not designated as such.

The Government played an active role in religious affairs. The Religious Affairs Department (RAD), which is located in the Ministry of Education, registered religious organizations. To register a religious organization first was required to be accepted into an officially recognized ecclesiastical group. There were seven such groups, including one each for Buddhists, Muslims, and Catholics, and four for Protestant denominations. Government registration conferred some benefits, including access to state subsidies, tax-exempt status, and preferential allocation of resident visas for organization officials. Although some activities of groups that were not accepted into one of the existing recognized groups were restricted, in general, unregistered religious organizations operated freely. There were no reports of the extortion of unregistered groups by local officials during the year.

Under the provisions of the Religious Organizations Act, a new religion was recognized if a national census shows that it has at least 5,000 adherents, a uniquely recognizable theology, and is not active politically. However, since 1984, the Government has maintained a policy of not recognizing any new religious faiths. This restricted the activities of some groups that were not accepted into one of the existing religious governing bodies on doctrinal or other grounds.

The Constitution requires the Government "to patronize and protect Buddhism and other religions." The Government subsidized the activities of the two largest religious communities (Buddhist and Islamic). The total state budget for Buddhism education, ethics, and morality courses was \$21.2 million (850 million baht); the budget for Islamic ethics and morality courses was \$300,000 (12.9 million baht). These funds supported Buddhist and Muslim institutes of higher education, religious education programs in public and private schools, daily allowances for monks and Muslim clerics who held administrative and senior ecclesiastical posts, and subsidized travel and healthcare for monks and Muslim clerics. This figure also included an annual budget for the renovation and repair of Buddhist temples and Muslim mosques, the maintenance of historic Buddhist sites, and the daily upkeep of the Central Mosque in Pattani.

The Government provided funding to Christian organizations to support social welfare projects. Catholic and Protestant churches may request government support for renovation and repair work but did not receive a regular budget to maintain church buildings nor did they receive government assistance to support their clergy. The Government considered donations made to maintain Buddhist, Muslim, or Christian buildings to be tax-free income; contributions for these purposes were also tax-deductible for private donors.

Religious instruction was required in public schools at both the primary (grades 1 through 6) and secondary (grades 7 through 12) education levels. Instruction was limited to Buddhism and Islam.

The Government permitted foreign missionary groups to work freely throughout the country, although it also maintained policies that favored proselytizing by citizens. The number of foreign missionaries officially registered with the Government was limited to a quota that originally was established by the RAD in 1982. The quota was divided along both religious and denominational lines, but religious organizations reported that unregistered missionaries were able to proselytize during the year. Activities of Muslim professors and clerics were subjected disproportionately to scrutiny on national security grounds because of continued government concern about the resurgence of Muslim separatist activities in the south.

Muslims, who represented between 5 and 10 percent of the country's population nationwide and constituted the majority in four of the five southernmost provinces that border Malaysia, also experienced some economic discrimination. The Government continued to address the problem by maintaining longstanding policies designed to integrate Muslim communities into society through developmental efforts and expanded educational opportunities.

Muslim female civil servants were not permitted to wear headscarves when dressed in civil servant uniforms. Muslim female civil servants who were not required to wear uniforms were allowed to wear headscarves. In practice, most female civil servants were permitted by their supervisors to wear headscarves if they wished to do so, particularly in the country's southernmost provinces.

Women were not permitted to be ordained as monks. In addition, many religious schools only accepted males (see Section 5).

Laws prohibiting speech likely to insult Buddhism remained in place. The police have authority under the law to issue written warnings or orders suspending the publication or distribution of printed materials considered offensive to public morals; however, they did not use it to restrict the publication or distribution of religious literature during the year.

For a more detailed discussion, see the [2003 International Religious Freedom Report](http://www.state.gov/g/drl/rls/hrrpt/2003/27790pf.htm).

### Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for the right of citizens to change their residence or workplace, and authorities generally respected this right in practice; however, there were some exceptions. Longstanding written restrictions on the travel and domicile of certain Vietnamese resident aliens who immigrated to the country in 1945 and 1946, and Chinese who immigrated between 1953 and 1961, remained in place. In addition, other longtime noncitizen residents, including hundreds of thousands of ethnic Shan and tens of thousands of other tribal members, officially are required to seek permission from local authorities or the army for foreign and domestic travel. Registered resident aliens moved freely within the country.

According to an unconfirmed international press report, the Government continued to monitor the movements of Tibetan and democracy activists, as well as members of the Falun Gong.

In August, the Government limited the sectors and provinces in which migrant workers may hold jobs. The Government deported hundreds of thousands of illegal migrant workers and families during the year. However, NGOs and the International Organization for Migration (IOM) reported that a large number of those deported later returned to the country (see Section 6.e.).

The Government did not extend displaced person status to the large number of members of the Shan ethnic minority who crossed the border fleeing the effects of forced relocation, other human rights violations, and sporadic fighting in Shan State, Burma. However, in May 2002, the Government granted temporary shelter to approximately 450 Shan who fled fighting in Burma across the border from Chiang Mai Province. In 2002, the Government announced plans to repatriate the group. The Government later delayed the repatriation following an appeal by NGOs. No effort was made by the Government to repatriate the group, and local civilian and military authorities said they would be allowed to stay as long as their home districts in Burma were unsafe to return to.

The law does not provide for the granting of asylum or refugee status to persons who meet the definition of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol; however, the Government cooperated with the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. During the year, the Government continued to provide temporary protection to a small number of Lao asylum seekers and many Burmese. The Government continued to allow the U.N. High Commissioner for Refugees (UNHCR) to monitor and provide protection to 140,000 Burmese refugees designated by the Government and the UNHCR as "persons of concern" living in nine camps along the frontier with Burma. However, the Government prohibited the UNHCR from maintaining a permanent presence in the border camps and officially registering new refugees.

Along the border with Burma, the Government generally followed its policy of providing temporary protection to new displaced arrivals. In 1999, provincial screening committees were established to determine eligibility to enter the refugee border camps based upon very narrow criteria, limited to those who flee actual fighting rather than on broader grounds of persecution on the basis of race, religion, ethnic group, social class, or political opinion. However, Ministry of Interior officials in the border provinces opted not to convene new boards during the year or in 2002, causing the unregistered population in the refugee camps to increase substantially.

In October, the Government informed the staff of a renowned health clinic on the Thai-Burma border that its staff did not qualify for work permits due to changes in available visa categories. Dr. Cynthia Maung and her 100-person staff had tended to the medical needs of Burmese refugees living in the country. At year's end, the Government allowed the clinic to remain open without harassment or impediment. In 2002, the Maneeloy Burmese Center located in Ratchaburi Province and which housed Burmese "student" refugees, was closed and the residual population was transferred to the Tham Hin refugee camp located near the border with Burma. Tham Hin housed more than 9,300 persons from Burma, mostly Karen. Another section was created to receive the Maneeloy residual population.

The Government continued to allow NGOs to provide food, medical services, housing, and other services to Burmese refugees near the border. However, the Government did not allow NGOs to aid ethnic Shan refugees. Government officials periodically arrested Burmese outside designated camps as illegal aliens, including some recognized as "persons of concern" by the UNHCR. Those arrested generally were taken to the border and released, without being turned over to Burmese authorities.

The Government maintained a watchlist of persons who were not permitted entry into the country.

### Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides for the right of citizens to choose or change their government peacefully through free and fair elections based on universal suffrage. The country is a democratically governed constitutional monarchy.

Since 1992 there have been five national multiparty elections, which transferred power to successive governments through peaceful, democratic processes. The King exerts strong informal influence but never has used his constitutionally mandated power to veto legislation or dissolve the elected bicameral Parliament. Voting is compulsory. Eligible voters who fail to exercise their voting responsibilities, except for those excused, are subject to the loss of certain rights, including the right to be a candidate in future elections. However, the Constitution prohibits Buddhist monks and nuns from seeking public office. Parliamentary elections were held in January 2001. The election process generally was viewed as free and fair; however, it was



marred by widespread vote buying, a recurrent problem. Exercising its constitutional mandate to prevent election fraud, the Election Commission dismissed polling results and held a total of 5 rounds of revotes in 72 constituencies due to "election irregularities." There also were 25 killings of political canvassers during the campaign leading up to the 2001 elections, at least some of which were motivated politically (see Section 1.a.). In February 2001, the coalition Government of Prime Minister Thaksin Shinawatra's Thai Rak Thai Party was formed.

In 2000, the first directly elected Senate took office. The Senate election required multiple rounds of voting for some districts because the Election Commission voided some results due to irregularities such as evidence of vote buying. The Constitutional Court ruled that the Election Commission could disqualify a candidate who the Commission found guilty of electoral irregularities.

There are no laws limiting the participation of women or minorities in political life. There were 45 women among the 499 members of the House of Representatives, and 20 women in the 200 member Senate. There were 3 women in the 35 member Cabinet. Although half of civil service employees were women, only 15 percent held senior civil service positions. Few ethnic minorities hold positions of authority in national politics. Muslims from the south hold significant elected positions, although they continued to be underrepresented in appointed local and provincial government positions. There were 8 Muslim and 2 Christian Senators; 22 Muslim and 2 Christian Members of House of Representatives. Two Members of Parliament were hill tribesmen.

Noncitizen members of hill tribes were barred from participating in the political process (see Section 5).

#### Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A wide variety of domestic and international human rights organizations generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials often were cooperative and responsive to their views. Several international organizations have a permanent presence in the country, including the ICRC and the U.N. However, NGOs that dealt with sensitive political issues, such as the Burmese democracy movement, faced increased harassment.

Very few NGOs were accorded tax-exempt status, and this sometimes hampered the ability of domestic human rights organizations to secure adequate funding.

Unlike in the previous year, there were no reports that security forces raided the offices of NGOs working to promote democracy in Burma.

The National Human Rights Commission (NHRC) was active during the year. It operated as a separate government entity to prepare an annual evaluation of the human rights situation for the National Assembly, to propose policies and recommendations for amending laws to the National Assembly, to promote measures to educate citizens on human rights, and to investigate human rights abuses. Although the NHRC received over 300 petitions during its first year in existence, modest staffing and resources, as well as the lack of power to prosecute or to punish violators, hampered its ability to carry out its mandate. The Prime Minister severely criticized one NHRC member for drawing international attention to apparent human rights violations stemming from his anti-narcotics campaign.

#### Section 5 Discrimination Based on Race, Sex, Disability, Language, or Social Status

The spread of HIV/AIDS was estimated to have infected approximately 1.8 percent of the population. The Government took measures during the year to improve its support of persons living with HIV/AIDS. For example, the Government has provided funds to HIV/AIDS support groups, continued public debate at the highest levels of political leadership, sustained public education and media campaign to alter unsafe behavior; started effective pilot projects to help lead policy, and included of all segments of society in the fight against the transmission of the disease.

The Constitution provides for equal treatment under the law without respect to race, sex, religion, disability, language, or social status; however, in practice, some discrimination existed, and government enforcement of equal protection statutes was uneven.

#### Women

Domestic violence against women was a significant problem; reliable reports indicated that domestic abuse occurred across all social classes. Specific laws concerning domestic violence have not been enacted. Police did not enforce laws against such violence vigorously, and domestic violence often went unreported, and the police often were reluctant to pursue reports of domestic violence. NGO-supported programs designed to aid victims included emergency hotlines, temporary shelters, counseling services, and a television program designed to increase awareness of domestic violence, HIV/AIDS, and other issues involving women. The Government's "one-stop" crisis centers, located in state-run hospitals, continued to care for abused women and children, but faced budget difficulties.

Rape is illegal. However, a husband may not be prosecuted for spousal rape. According to academics and women's rights activists, rapes and domestic assaults were underreported, in part because law enforcement agencies widely were perceived to be incapable of bringing perpetrators to justice. Police sought to change this perception and encouraged women to report sexual crimes through the use of teams of female police officers that operate in metropolitan Bangkok police stations and in three other provinces.

Prostitution is illegal but it flourished. Prostitution often was protected by local officials with a commercial interest in it (see Sections 1.c. and 6.f.). Trafficking in women and children for prostitution was a serious problem (see Section 6.f.). Government and NGO estimates of the number of women and children engaged in prostitution varied widely. Many NGOs and government departments reported a figure of 200,000 persons, which was considered conservative. The Commission on Women's Affairs estimated that in 2000, approximately 20 percent of prostitutes were children. There were reports that women were forced into prostitution in border areas, but the number of such cases was difficult to determine. The majority of prostitutes were not kept under physical constraint, but a large number worked under debt bondage (see Sections 6.f.). The Prostitution Prevention and Suppression Act makes child prostitution illegal and states that customers who patronize child prostitutes are subject to criminal sanctions. Parents who allow a child to enter the trade also are subject to criminal sanctions. There were three arrests and no prosecutions during the year for parents who allowed a child to enter the trade. NGOs and government agencies provided shelter, rehabilitation, and reintegration programs for children and women involved in the sex industry.

Sex tourism was a problem (see Section 6.f.).

The Labor Protection Act makes sexual harassment illegal, but covered only persons working in the formal private sector. NGOs claimed that the legal definition of harassment in the 1998 Labor Protection Act was vague and that such ambiguity made the prosecution of harassment claims difficult. No sexual harassment cases were prosecuted under the law during the year. However, in 2002, a female journalist accused a senior political figure of sexual harassment. The politician in turn filed a libel lawsuit against her newspaper. The case was pending at year's end. Extensive media coverage of the case suggested that public awareness of the issue was increasing.

The Constitution provides for the equality of all citizens; however, some inequalities in the law remained. For example, marriage and family laws discriminate against women. A man may sue for divorce on the grounds that his wife committed adultery, but a woman faces the additional legal burden of proving that her husband has acknowledged publicly another woman as his wife.

Women had equal access to higher education, and more than half of the year's university graduates were women. However, police and military academies (except for the nursing academy) did not accept female students, although a significant number of instructors at the military academies were women. Women constituted 48 percent of the labor force and held an increasing share of professional positions. Women also were able to own and manage businesses freely. Government regulations require employers to pay equal wages and benefits for equal work, regardless of gender. Nonetheless, discrimination in hiring was common, and there was a significant gap between the average salaries earned by men and women because women were concentrated in lower paying jobs. In practice, women also received lower pay for equal work in virtually all sectors of the economy. A 2001 Ministry of Labor survey revealed that on average, men earned 17 percent more than women.

The National Human Rights Commission Act specifies that at least one-third of the members of the NHRC be women; during the year, 5 of the 11 commissioners were women. The Women and Constitution Network, a league of 52 women's organizations, advocated legal reforms to address inequities in the treatment of women. It continued to play an important role in securing the inclusion of gender-equality clauses in legislation that created new government organizations mandated by the 1997 Constitution.

#### Children

The Constitution provides children equal protection under the law. Education was compulsory and free through grade 9. In general, girls and boys attended primary and secondary schools in equal numbers. However, an estimated 96 percent of children completed grade 6, and 48 percent completed grade 12. The National Budget for Protection of Right of Individuals, Families, Groups, and Communities budget allocated \$3.7 billion (148 billion baht) for education during the year. Young girls were barred from religious schools, which were often the only form of education for impoverished children.

Although there were 52 Juvenile Observation and Protection Centers nationwide, children were tried in the same courts as adults and detained with adults in some regions of the country (see Section 1.e.).

The Criminal Code provides for the protection of children from abuse, and laws on rape and abandonment provide for harsher penalties if the victim is a child. During the year, police were reluctant to investigate abuse cases, and rules of evidence made prosecution of child abuse cases difficult. Legislation designed to protect witnesses, victims, and offenders under the age of 18 was in effect. The procedures allow children to testify on videotape in private surroundings in the presence of a psychologist, a psychiatrist, or another social worker with a judge's consent. Persons charged with pedophilia are charged under appropriate age of consent and prostitution laws. Victims' testimony is handled under the provisions of the Child Friendly Procedure Act.

Trafficking in children, including for commercial sexual exploitation, remained a serious problem (see Section 6.f.). Pedophilia, both by citizens and by foreign sex tourists, continued. The Government, university researchers, and NGOs estimated that there

were as many as 30,000 to 40,000 prostitutes under 18 years of age not including foreign migrants. The Prostitution Prevention and Suppression Act of 1996 made child prostitution illegal and provided for criminal punishment for those who use child prostitutes. Parents who allow a child to enter the trade also are punishable. However, custom and tradition made it rare that children accused their parents in court proceedings. Despite press reports detailing a number of such cases, only three arrests occurred. These cases were still under police investigation at year's end.

Child labor remained a problem (see Section 6.d.).

There were approximately 20,000 street children in major urban centers of the country; however, the figures were difficult to estimate. Many were thought to come from neighboring countries, including Cambodia and Burma. Although Bangkok authorities attempted to provide shelters, resources were inadequate and many of the children reportedly avoided the shelters for fear of being detained and expelled from the country.

There were many local NGOs that worked to promote children's rights in the country. Employers' organizations, such as the Employer's Confederation of Thailand, also were involved in child labor issues. These organizations received good working support from the Government.

#### Persons With Disabilities

The Constitution provides for access to public facilities and prohibits employment and education discrimination against persons with disabilities; however, the Government did not enforce these laws effectively.

In 2002, the Constitutional Court upheld a judicial personnel law blocking persons with physical disabilities from becoming judges. The case was brought to the highest court after two persons with physical disabilities were denied the right to sit for the examination to become judicial officials. The Constitutional Court ruled that the personnel law does not contravene the Constitution, which proscribes unjust discrimination against a person on the grounds of physical or health conditions. At year's end, activists were appealing to Parliament to amend laws that allowed employment discrimination against persons with disabilities. One judge and approximately five state prosecutors in office at year's end were persons with disabilities.

The Government did provide 5-year interest-free small business loans for persons with disabilities. At year's end, 28,000 persons with disabilities had been granted these loans totaling \$13.6 million (545 million baht).

During the year, an estimated 222,522 children with disabilities attended school. The Government reported that 12,571 students were enrolled in one of the 43 special schools for students with disabilities; the remaining were enrolled in regular public schools. Nationwide, there were 9 government-operated and 16 NGO-operated training centers for persons with disabilities. However, with little education, very few adults with disabilities were able to find employment. Many of those who did find employment were subjected to wage discrimination. The law requires that private firms hire 1 person with a disability for every 200 other workers or contribute to a fund that benefits persons with disabilities, but this provision has not been enforced since it came into effect in 1991. Government officials estimated that between 20 and 30 percent of firms disregarded the law. Some state enterprises had discriminatory hiring policies.

The Constitution mandates access to public buildings for persons with disabilities, but laws implementing the provisions have not yet been enacted. The 1999 regulation that makes compliance mandatory was not enforced during the year. Persons with disabilities who register with the Government are entitled to free medical examinations, wheelchairs, and crutches.

#### Indigenous People

Members of hill tribes without proper documentation, who accounted for approximately half of the estimated 1 million members of hill tribes, still faced restrictions on their movement, may not own land, and were not protected by labor laws, including minimum wage requirements. The law provides that citizenship is not automatically granted to children born to persons living illegally or without status in the country. However, citizenship legislation passed after the 1997 Constitution provided for expedited naturalization for persons whose families had been in the country for several generations, arrived before 1982 and could meet certain citizenship tests, including literacy in the country's language. After an initial wave of successful citizenship applications in the late 1990s, the process slowed. Approximately half of the potentially eligible candidates for naturalization have received citizenship since the law was enacted. The lack of citizenship can make hill tribe persons vulnerable to other abuses and exploitation such as trafficking (see Section 6.f.). They sometimes were denied adequate education and health care. Those residing in national parks or wildlife sanctuaries were subject to eviction. As noncitizen residents, they also were barred from participating in the political process (see Section 3).

In 2000, the Ministry Of Interior (MOI) redefined the category of hill tribe residents eligible for citizenship to include previously undocumented tribal persons, now collectively called "highlanders." The definition includes persons who formerly were defined either as indigenous or migrants. The regulations were supposed to ease the requirements to establish citizenship by allowing a wider range of evidence, including testimony from references, and empowering local officials to decide cases. However, activists reported that widespread corruption and inefficiency at all levels, including among highland village headmen and government officials, caused the Government to miss the initial deadline for citizenship processing for certain groups of resident alien hill tribe members.

In 2002, the MOI revoked the citizenship of 1,243 persons in Mae Ai district, Chiang Mai Province. Government officials claimed that irregularities in the issuance of their identification documents invalidated their claim to citizenship. NGOs petitioned the Government to review each case on an individual basis to avoid penalizing persons entitled to citizenship. Several individuals had successfully regained their citizenship after proving their parents were Thai. DNA testing to prove Thai family relations was ongoing at year's end as more individuals tried to regain their citizenship.

Societal discrimination against hill tribe members, arising from widely held beliefs that they were involved in drug trafficking and environmental degradation, continued. Hill tribes occasionally were subjected to indiscriminate searches of villages for illegal drugs (see Sections 1.a. and 1.f.). There were credible reports that the Government seized the land in hill tribe areas. There were several allegations of mistreatment and abuse by the Third Army's Pha Muang Task Force, which jointly administers the hill tribe drug detoxification program with the Ministry of Public Health, the police, and the Ministry of the Interior. In Chiang Rai, provincial authorities required all drug addicts to register with village committees and to join the program. Those who registered were granted immunity from prosecution. The program was aimed at separating drug addicts from the traffickers. The army publicly acknowledged mistreatment occurred and promised to punish those found responsible for such abuses (see Section 1.a.).

#### National/Racial/Ethnic Minorities

Unlike in previous years, there were no reports of persons in the Sino-Thai population that faced discrimination; however, Chinese Kuomintang and children of Vietnamese immigrants who resided in 5 northeastern provinces lived under a set of law and regulations that could have restricted their movement, residence, education, and occupation.

#### Section 6 Worker Rights

##### a. The Right of Association

The law allows all private sector workers to form and join trade unions of their choosing without prior authorization; however, the law does not explicitly protect workers who participated in organizing unions that were not registered officially from discrimination. Union leaders reported that employers often discriminated against workers seeking to organize unions. During the year, employers used loopholes in the Labor Relations Act to fire union leaders prior to government certification of unions. Certified union executive committee leaders were also fired in contravention of Ministry of Labor regulations. Some alleged that this tactic was used in order to counter active workplace unions.

Less than 2 percent of the total work force, but nearly 11 percent of industrial workers and over 50 percent of state enterprise workers, were unionized. Cultural traditions, unfamiliarity with the concept of industrial relations, efforts by the Government to diminish union cohesiveness, and the majority share of total employment that is in the agricultural and informal sectors often were cited as reasons for low rates of labor organization.

State enterprise unions did not have the right to join private sector federations. However, unofficial contacts between public and private sector unions continued, and the Government did not interfere with these relationships.

Some corrupt private sector union leaders were exploited by politicians or employers, but public unions generally operated independently of the Government and other organizations. Internal conflicts, corruption, and a lack of influential leadership continued to weaken the labor movement.

Unions were free to associate internationally with other trade union organizations, and they maintained a wide variety of such affiliations.

##### b. The Right to Organize and Bargain Collectively

The law provides for the right of private sector workers to organize and bargain collectively; however, the Government's response to violators of this law was weak. The Labor Relations Act defines the mechanisms for collective bargaining and for government assisted conciliation and arbitration in cases under dispute. In practice, genuine collective bargaining occurred only in a small fraction of workplaces and in most instances continued to be characterized by a lack of sophistication on the part of worker groups and autocratic attitudes on the part of employers. Wage increases for most workers came as a result of increases in the minimum wage, rather than as a result of collective bargaining. The process of setting minimum wages locally through provincial tripartite committees may further limit union influence; many of these provincial committees excluded labor representatives and placed factory managers on the wage committees to represent worker interests. The Government sets wages for both civil servants and state-enterprise employees under the 2000 State Enterprise Labor Relations Act (SELRA) (see Section 6.e.).

The Government has the authority to restrict private sector strikes that would affect national security or cause severe negative repercussions for the population at large; however, it seldom invoked this provision and did not do so during the year. Labor law also forbids strikes in "essential services," which is defined much more broadly than in the International Labor Organization criteria, and includes sectors such as telecommunications, electricity, water supply, and public transportation as essential

services. The law also prohibits termination of employment of legal strikers; however, some employers used unfavorable work assignments and reductions in work hours and bonuses to punish strikers. SELRA provides public sector employees in state enterprises the same rights to organize as exist in the private sector. SELRA prohibits lockouts by employers and strikes by state-enterprise workers. No strikes were disapproved during the year, and four legal strikes were held. There were 17 illegal strikes involving 6,290 workers during the year.

The law prohibits antiunion actions by employers; however, it also requires that union committee members be full-time employees of the company, which makes them vulnerable to employers seeking to discipline workers who serve as union officials or who attempt to form unions.

A system of labor courts exercises judicial review over most aspects of labor law for the private sector. Workers also may seek redress for grievances through the Tripartite Labor Relations Committee. Redress of grievances for state-enterprise workers is handled by the State Enterprise Relations Committee. Labor leaders generally were satisfied with the treatment that their concerns received in these forums, although they complained that union leaders who were dismissed unjustly usually were awarded only back wages with no punitive sanctions against the employer.

No separate labor legislation applied in the nine export processing zones, in which wages and working conditions often were better than national norms because of the preponderance of foreign based multinational firms.

#### c. Prohibition of Forced or Bonded Labor

The Constitution prohibits forced or bonded labor, including by children, except in the case of national emergency, war, or martial law; however, the Government was unable to enforce these provisions effectively in the informal sector. During the year, there were reports of sweatshops in which employers prevented workers (primarily foreign migrants) from leaving the premises. There were no estimates of the number of such sweatshops, but the growing number of illegal aliens from Burma, Cambodia, and Laos increased the opportunities for such abuse. NGOs and the ILO reported thousands of underage boys and girls were brought into the country for labor on farms, in sweatshops, and very young children were used to work in street begging gangs.

#### d. Status of Child Labor Practices and Minimum Age for Employment

The legal minimum age for employment is 15 years. The law permits the employment of children between the ages of 15 and 18 only in "light work," where the lifting of heavy loads and exposure to toxic materials or dangerous equipment or situations is restricted. The employment of children at night (from 10p.m. to 6a.m.), or in places in which alcohol is served, is prohibited by law. It was estimated that approximately 1 million children nationwide worked on family farms. NGOs reported that 2 to 4 percent of children between the ages of 6 and 14 years worked illegally in urban areas; such children were at risk of becoming victims of other abuses of labor laws. Most underage workers in urban areas worked in the service sector, primarily at gasoline stations and restaurants. Child labor was not evident in larger foreign-owned or domestic export-oriented factories. However, there was no comprehensive survey of child labor in smaller enterprises, since NGOs did not have access to shop house factories. A 2002 survey by the National Statistics Office reported 10,728 children were employed in domestic work. NGOs reported child domestic workers were predominantly foreign, migrating from Burma, Cambodia, and Laos. Most were in the country illegally, increasing their vulnerability to exploitation. Minimum wage and age provisions of the 1998 Labor Protection Act do not apply to domestic workers, some of whom were believed to be under 15 years of age.

There were no further developments in the case of the July 2002 beating and burning death of a child domestic worker from Burma.

During the year, the Ministry of Labor employed 659 full-time inspection officers. Enforcement of child labor laws was not rigorous, and inspectors usually responded only to specific public complaints, reports of absences by teachers, or reports in newspapers. Their inclination when dealing with violators was to negotiate promises of better future behavior, rather than to seek prosecution and punishment. Inspection of private homes to monitor the welfare of child domestic workers was hampered by the legal requirement to obtain a warrant. In August 1999, the Government attempted to address the problem of child labor by promulgating the National Education Act. The act raised the compulsory educational requirement from 6 years to 9 years of age, and offers 12 years of free education. Enforcement of the new provisions began in August 2002 (see Section 5). Observers reported their belief that the problem of child labor in industry diminished due to enforcement of recent laws and increased public scrutiny, as well as demographic changes resulting in fewer Thai children in the population. However, according to local NGOs and the ILO, the problem of street children (often foreign) working as beggars for organized gangs appeared to be increasing (see Section 6.c.).

The Ministry of Education provided various scholarships to approximately 6 percent of the country's primary students to allow them to remain in school. Lunch programs, tuition assistance for poor rural students, and scholarships for girls at risk were included. Approximately 60,000 volunteers, comprised of community leaders, parents, and teachers were appointed in villages to address child labor problems at the grassroots level.

The Labor Protection Act codifies the worst forms of child labor. Although not all child domestic workers fell under the worst forms, many were at risk due to their age, gender (predominantly female), legal status, and working conditions.

The law specifically prohibits forced or bonded labor by children; however, forced child labor was a problem (see Section 6.c.). There were several incidents during the year when children from foreign countries were found in indentured servitude in sweatshop facilities, and the incidence of children begging or selling flowers on urban streets appeared to be increasing. NGOs reported Cambodian and Burmese boys were impressed onto commercial fishing boats under debt bondage arrangements; safety conditions on the vessels were poor. Child domestic workers, primarily young girls, were also found in indentured servitude.

#### e. Acceptable Conditions of Work

The minimum wage ranged from \$3.32 to \$4.20 (133 baht to 168 baht) per day, depending on the cost of living in various provinces. Minimum wages were set by provincial committees that sometimes included only employer representatives. This wage was not adequate to provide a decent standard of living for a worker and family. With extended family members' financial contributions, the minimum wage provided the basis for a marginally adequate overall standard of living. The Ministry of Labor is responsible for ensuring that employers adhere to minimum wage requirements (applicable to the formal sector); however, nationwide, academics estimated one-third of formal sector workers received less than the minimum wage, especially those in rural provinces. Despite encouragement of employees to report violations to labor inspectors, the enforcement of minimum-wage laws was mixed. Many labor laws, including the minimum wage law, do not apply to undocumented workers, primarily hill tribe members and illegal aliens. Unskilled migrant workers often worked for wages that were significantly lower than the minimum wage. An attempt to provide minimum wage protection to 580,000 migrants who registered in 2001 largely failed due to weak enforcement.

The Government mandated a uniform maximum workweek of 48 hours, with a limit on overtime of 35 hours per week. Employees engaged in "dangerous" work, such as in the chemical, mining, or other industries involving heavy machinery, legally may work a maximum of 35 hours per week. The petrochemical industry is excluded from these regulations.

Working conditions varied widely. The rate of injury from industrial accidents remained relatively constant over the last 10 years at 4.5 percent of the total work force. The Ministry of Labor stated that the average annual rate of work-related deaths was 15 per 100,000 workers. These rates applied only to industrial sector workers, however, and the rate of incidents occurring in the larger informal and agricultural sectors was thought to be higher by labor and grassroots groups. Occupational diseases rarely were diagnosed or compensated, and few doctors or clinics specialized in them. In medium-sized and large factories, government health and safety standards often were applied, but enforcement of safety standards was lax. In the large informal sector, health and safety protections were substandard.

Provisions of the Labor Protection Act include expanded protection for pregnant workers with prohibitions on working night shifts, overtime, or holidays, as well as for those working with dangerous machinery or on boats.

The Ministry of Labor promulgates health and safety regulations regarding conditions of work; however, the inspection department enforced these standards ineffectively, due to a lack of human and financial resources. There is no law affording job protection to employees who remove themselves from dangerous work situations.

Redress for workers injured in industrial accidents was rarely timely or sufficient. Few court decisions were handed down against management or owners involved in workplace disasters. In May, a local court acquitted the 14 engineers and managers for their role in the 1993 Kader Toy Factory fire which killed 188 female workers and injured an additional 469. The only penalty imposed was a US \$12,400 fine (496,000 baht).

The 1997 Constitution stipulates that all persons are entitled to equal protection by law. However, migrant workers, particularly those from Burma, faced significant hardships and physical danger during the year. Burmese factory workers, both illegal and properly registered, faced poor wage, safety and health conditions and were subject to dismissal, arrest and deportation for demanding improvements. Community groups and NGOs alleged instances of physical intimidation and abuse by criminals employed by factory owners, and harassment and robbery by gangs of young men. There were several instances of sexual abuse of the primarily young and female Burmese migrants employed in textile production. Burmese labor activists alleged several incidents of Burmese commercial fishermen employed on Thai vessels who were killed at sea after disputes with their employers. Child domestic workers were at special risk of labor abuse (see Section 6.d.).

The Government reported deporting 205,944 illegal workers during the first 9 months of the year, most of them to Burma. NGOs reported that a large number of those deported returned soon thereafter. Collusion between factory owners and immigration officers in areas employing legally registered migrants frustrated workers attempts to attain minimum wage protection. For example, in February a group of Burmese women won a landmark labor court decision to award back wages; however, they were immediately fired and deported. In July, immigration officials deported 345 registered migrant workers who conducted a sit-down strike to protest wages half the legal minimum. In December, 260 mostly registered female workers were deported when they claimed the factory owed them a minimum wage. Some subsequently returned to the country illegally to pursue the case in labor court.

In September 2001, the Government undertook an open registration campaign directed at the estimated 1 million to 1.5 million illegal Burmese, Cambodian, and Lao workers already present in the country. The 580,000 migrants who registered were allowed to remain in the country with specified employers for 1 year, and were required to re-register annually for additional twelve-month extensions. Health care for the migrants (but not family dependents) was included in an imposed registration fee.

Provisions of the Labor Protection Act technically were extended to this group, although lax enforcement meant that there was little real progress in improving migrant working conditions. In September the Government extended this program for a final year, but only for already registered migrants. Only 288,000 migrants re-registered; many were deterred by high registration costs and the rigidity of rules limiting employer changes.

#### f. Trafficking in Persons

The law prohibits trafficking in persons; however, trafficking in persons was a serious problem. The country was a source, transit, and destination for trafficking in women and children for a variety of purposes, including indentured servitude, forced labor, and prostitution (see Section 5). Some local officials, immigration officers, and police reportedly either were involved in trafficking directly or took bribes to ignore it. The 1997 Prevention and Suppression of Trafficking in Women and Children Act increased the penalties for trafficking in women and children for the purposes of prostitution or slave labor, and provided for wide powers of search and for assistance to victims. There are also antitrafficking provisions in the 1996 Prostitution Prevention and Suppression Act. The authorities occasionally used these powers during the year, but the number of prosecutions remained small compared to the scope of the problem. A money-laundering law, which became effective in August 1999, included provisions to enable authorities to confiscate the assets of persons convicted of trafficking or engaging in the business of prostitution. On May 28, a 50-year-old Japanese man was arrested and charged with trafficking Chinese and Thai women to work as prostitutes and cheap laborers in Japan, the United States, Canada, and Britain.

Government and NGO estimates of the number of women and children engaged in prostitution in the country varied widely. Many NGOs and government departments reported a figure of 200,000 persons, which was considered a conservative estimate. This figure included children under the age of 18 years, but not foreign children whom the U.N. and NGOs believe make up an increasingly large proportion of trafficking victims. The number of victims of trafficking not involved in prostitution and including men, women, and children was unknown but believed to be substantial.

Within the country, women were trafficked from the impoverished Northeast and the North to Bangkok for sexual exploitation. Women also were trafficked internationally to Japan, Taiwan, Australia, Europe, and the United States, chiefly for sexual exploitation, but also for sweatshop labor. Men were trafficked into the country for commercial fisheries and farm, industrial, and construction labor.

Women and men were trafficked from Burma, Cambodia, the People's Republic of China (PRC), and Laos into the country for labor and sexual exploitation. Boys and girls were trafficked chiefly from Burma and Cambodia primarily for sexual exploitation and to work in begging gangs. Young children, either orphans or those sold by their families, were among them. For example, very young Cambodian children were employed by begging gangs in Bangkok. Occasionally entire families were trafficked for labor in sweatshops. Underage boys reportedly were brought into the country for specialized work in which small size was an advantage. Vietnamese citizens also reportedly were trafficked to the country in smaller numbers. According to domestic NGOs, girls between the ages of 12 and 18 years continued to be trafficked from Burma, southern PRC, and Laos to work in the commercial sex industry. Social workers noted that young girls were prized because their clients believe that they were free of sexually transmitted diseases. Persons trafficked from the PRC often were in transit to other countries, although women and girls from Yunnan Province generally were destined for brothels in the north. Generally victims from Yunnan Province were lured into the country with promises of restaurant or household work and then were pressured or physically forced into prostitution.

During the year, trafficking raids found 29 women and 6 minors in Chiang Mai. The victims were transferred to a government-run shelter, and many were repatriated to Burma. The owner of the brothel was in police custody. The case was pending at year's end. The manager of the brothel was arrested and remained in jail, and arrest warrants were issued for seven other partners of the sex venue.

The U.N. Economic and Social Council and NGOs believed that the lack of citizenship status for some hill tribe women and children was a strong risk factor for becoming victims of trafficking. Although this group was not a large percentage of trafficking victims, they were found in disproportionately large numbers in situations entailing the worst forms of trafficking.

Impoverished families sent or sold children to traffickers, often a neighbor, a local official, or some other respected local person. During the year, the mother who sold her 12-year-old girl into prostitution in 2002 was convicted and sentenced to seven years in prison; the police lieutenant to 18 years; the sergeant to 8 years; the madame to 240 years. The sentences have been appealed and the case remained in Appeals Court at year's end.

Sometimes villagers saw the local traffickers as friends offering a way out of poverty. Typically, local traffickers fed persons into larger networks, after which they exercised no further control and heard no more of them. Traffickers sometimes misrepresented the type of work and working conditions, and victims subsequently found themselves forced to remain and work in the border areas. Some women who contracted for other kinds of work found themselves coerced into the sex trade. Indentured work, both sex work and other labor, was also a problem.

Trafficking through the country to onward destinations tended to be conducted by citizens of the PRC and other international organized criminals. Trafficking into and within the country generally was conducted by domestic criminal elements.

There continued to be credible reports that some corrupt police, military, and government officials were involved directly in trafficking or taking bribes to ignore it (see Sections 1.c. and 5). Police personnel were paid poorly, and widely accustomed to taking bribes to supplement their income.

The majority of prostitutes were not kept under physical constraint, but a large number worked in debt bondage. Brothel procurers reportedly advanced parents a substantial sum against their daughter's future earnings, frequently without the consent of the young woman involved. The women were obligated to work in a brothel to repay the loan.

Many Thai women were trafficked to Japan for purposes of sexual exploitation. Traffickers promised victims lucrative legitimate employment, or made false promises regarding wages, working conditions, or the nature of the work. According to Human Rights Watch, upon their arrival in Japan, the traffickers confiscated the victims' passports, demanded repayment for their "purchase," and charged the victims for living expenses and care, and fined them for misbehavior. Traffickers often restricted the women's movements, threatened them and their families, isolated them, and used violence to punish them for disobedience.

Because foreign women frequently were unable to speak the language and were considered illegal immigrants, they particularly were vulnerable to physical abuse and exploitation. Some women were lured into the country with promises of jobs as waitresses or domestic helpers, but ended up working as prostitutes. Illegal immigrants had no rights to legal counsel or health care if arrested (see Section 2.d.). The amnesty provisions available under the UNHCR auspices did not apply to such women. In May, a series of Memoranda of Understandings (MOU) between Government agencies and between the Government and domestic NGOs provided for some detailed police procedures to assist with the problem of trafficked persons being detained by the authorities. The agreement stated that the training of police officers would include instructions to treat such persons as victims of human trafficking rather than as illegal immigrant workers. Rather than being deported, they become the responsibility of the Public Welfare Department. However, implementation of the MOU continued to be erratic during the year, due to insufficient training of law enforcement officials and their unfamiliarity with the law.

In September, the Government deported approximately 200 Cambodian women and children, some who were victims of trafficking.

Illegal immigrants generally were repatriated as soon as possible; however, in order to implement the new policy of humane treatment for victims of trafficking, Department of Public Welfare (DOPW) officials tried to refer underage and foreign women arrested for prostitution to one of the government shelter houses. Repatriation was delayed, but not canceled. Victims were encouraged to seek legal action against the traffickers, and they were told by DOPW personnel at the shelters that this was an option. Trafficking victims who provided evidence were repatriated back to their home countries afterwards. However, in general, trafficking victims were reluctant to assist in prosecution. This was due to mistrust of the authorities and fear of the traffickers, as well as the victim's limitations in education and language, and a desire to return home rather than to participate in lengthy criminal proceedings.

Several NGOs, both local and international, and government agencies worked with trafficking victims. However, the Government faced severe budgetary limitations on its ability to fight trafficking and to aid its victims. Two national committees were directed and empowered to combat trafficking, and these committees coordinated and cooperated with NGOs as well. The National Committee on Trafficking in Women and Children (NCTWC) was concerned primarily with counter trafficking efforts within the country, while the National Project Committee on Trafficking in Women and Children in the Mekong Subregion focused on regional efforts. Local enforcement officers were sometimes ignorant of new laws and regulations designed to protect victims and ignorant of the special requirements of anti-trafficking work. Also, police officers did not view anti-trafficking as a path to advancement because their superiors did not emphasize it. Narcotics and serious crimes were the preferred career concentrations, while the attitude that trafficking also qualified as a serious crime was only slowly developing. Another barrier for stricter enforcement was the court system, which could be cumbersome and time consuming (see Section 1.e.).